



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF REGIONAL OFFICES
BUFFALO REGIONAL OFFICE

March 18, 2024

VIA CM/ECF

Honorable John L. Sinatra, Jr.
United States District Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

Re: *Hardaway et al. v. Chiumento et al.* | Case No. 1:22-cv-771-JLS

Dear Judge Sinatra:

I represent the Defendant Superintendent Chiumento in this matter, and jointly with Plaintiffs' counsel, Nicolas Rotsko, respectfully request an enlargement of the briefing schedule for Plaintiffs' Section 1988 fee application. In accordance with the Court's Text Order (Dkt. 83), the fee application is currently due March 22, 2024, with responses due April 19, 2024, and replies due May 3, 2024. We request a 21-day enlargement, so that the fee application (if any) will be due April 11, 2024, responses due May 10, 2024, and replies due May 23, 2024.

Plaintiffs and the Superintendent believe that good cause exists to extend the briefing schedule, because this will afford the parties additional time to attempt a negotiated resolution on fees and thereby avoid litigating the issue. Plaintiffs have shared information for review and made a negotiated offer to settle the fee application. Superintendent's counsel continues to review the information provided and consider the negotiated offer of settlement. We did not seek the views of Defendant District Attorneys Seaman and Flynn on this extension request, because Plaintiffs are not seeking fees from those defendants.

Respectfully Yours,

/s/ Ryan L. Belka

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RLB